

REMARKS/ARGUMENTS

Claims 1 and 3 are present in this application. By this Amendment, claim 1 has been amended, and claims 2 and 4 have been canceled. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

Claims 1-4 were rejected under 35 U.S.C. §103(a) over U.S. Patent No. 6,138,868 to Yuyama et al. in view of U.S. Patent No. 4,567,997 to Portyansky. This rejection is respectfully traversed.

Without conceding the Examiner's comments with regard to claim 1, claim 1 has been amended to include the subject matter of claim 2. In particular, claim 1 has been amended to recite that the tip individually-setting mechanism includes a lifting plate which is driven up and down by a drive source, and the lifting plate has a top end face having a space enough to place only one dispensing tip and a tapered surface that descends toward an outside of the tip storing box. Since this amendment combines subject matter already considered by the Examiner, Applicant submits that the Amendment does not raise any new issues requiring further consideration and/or search.

The Office Action contends that Yuyama discloses the subject matter of claim 2, referring to Fig. 1 and the description of the lifting plate 2 and top end face 7. In the description of this structure, however, Yuyama describes that “some of the ampules A on the bottom plate 1a will move onto the top surface 7 of the ampule receiver 2. . . . While the ampule receiver is rising, any ampules that are only partially on the top surface 7 are dropped, so that only ampules that are completely on the top surface 7 and thus arranged in an orderly manner are kept on the top surface 7.” See, for example, column 5, lines 7-14. It is clear from this description that multiple ampules are supported on a top surface 7 of the ampule receiver 2 (“arranged in an

orderly manner"). It is apparent then that at least this claimed subject matter is lacking in Yuyama.

The Portyansky patent similarly lacks any teaching or suggestion of this subject matter. That is, Portyansky lacks a teaching or suggestion of a lifting plate having a top end face having a space enough to place only one dispensing tip and a tapered surface that descends toward an outside of the tip storing box.

Since at least this subject matter is lacking in Yuyama and Portyansky, taken singly or in combination, Applicant respectfully submits that the rejection is misplaced.

With regard to dependent claim 3, Applicant submits that this claim is allowable at least by virtue of its dependency on an allowable independent claim.

Reconsideration and withdrawal of the rejection are respectfully requested.

In view of the foregoing amendments and remarks, Applicant respectfully submits that the claims are patentable over the art of record and that the application is in condition for allowance. Should the Examiner believe that anything further is desirable in order to place the application in condition for allowance, the Examiner is invited to contact Applicant's undersigned attorney at the telephone number listed below.

Prompt passage to issuance is earnestly solicited.

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Respectfully submitted,

NIXON & VANDERHYE P.C.

By: _____ /Alan M. Kagen/
Alan M. Kagen
Reg. No. 36,178

AMK:jls
901 North Glebe Road, 11th Floor
Arlington, VA 22203-1808
Telephone: (703) 816-4000
Facsimile: (703) 816-4100